

CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-127	Contact	Steven Robertson, 219-730-5295	
Application Type	Variance	Planning Commission Date	November 12, 2013	
Deadline for Action	Application Date	September 19, 2013	60 Days	November 18, 2013
	Date Extension Letter Mailed	October 18, 2013	120 Days	January 17, 2014
Location of Subject	508 East 7th Street			
Applicant	Kenneth J. Leskey	Contact	218-279-9945	
Agent		Contact		
Legal Description	010-1050-00920			
Site Visit Date	October 29, 2013	Sign Notice Date	October 29, 2013	
Neighbor Letter Date	October 24, 2013	Number of Letters Sent	13	

Proposal

The applicant is seeking a variance to allow the construction of a 11x10.5 addition to the existing single family home. The addition would come within 2.1 feet of the NE property line; a portion of the existing home is .2 feet from the NE property line.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Front Yard: The smaller of 25 ft or average of adjacent developed lots facing the same street. Side Yard: Combined width of side yards must be at least 12 ft (for homes with less than 50 feet of frontage).

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant wishes to construct a small upper level addition to the existing single family home. The addition would be about 2 feet from the property line, whereas the required setback is 6 feet. The structure is non-conforming because it is in the side yard setbacks; typically non-conforming structures are allowed to continue, but not expand, unless the property owner receives a zoning variance from the City.
- 2) The home was built in 1881, and the detached garage was built in 1922. The lot is 25 feet wide and a 140 feet deep. The property fronts East 7th Street, and has alley access. The applicant states that if the variance is not granted, it will cause a hardship because of the location of the existing rear ground floor door. The exceptional narrowness of the lot presents a practical difficulty to the homeowner.
- 3) The need for relief is not due to circumstances created by the homeowner, as this house, was built prior to the zoning setbacks.
- 4) A small (1280 total square feet, two floors) single family home is not out of character for the neighborhood, and the proposed addition of a small bedroom is not unreasonable. The marginal increase in area is likely to be unnoticeable to surrounding property owners. The requested relief is necessary for the preservation of a substantial property right and is not merely for the convenience of the property owner.
- 5) The proposed increase to the primary structure will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not alter the essential character of the surrounding area. It will not increase the existing density of housing units in the neighborhood.
- 6) No City, public, or agency comments were received.
- 7) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the standard for the variance has been met and, therefore, recommends the Planning Commission approve the requested variance to allow the property owner to

- 1) Applicant construct the project in accordance with project area identified on the certificate of survey submitted and date stamped September 19, 2013.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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City Planning

PL 13-127

Variance

508 E 7th Street

Legend

DuluthStream_cl
TROUT_FLAG

Trout Stream (GPS)
Other Stream (GPS)

Water Distribution System

30 - 60" Water Pipe
16 - 24" Water Pipe
4 - 6" Water Pipe

Sanitary Sewer Collection System

Sanitary Sewer Collector
Sanitary Sewer Interceptor
Sanitary Sewer Forced Main

Storage Basin
Pump Station

Gas Distribution Main

8" - 16" Gas Pipes
4" - 6" Gas Pipes
0" - 4" Gas Pipes

Storm Sewer Collection System

Storm Sewer Pipe
Storm Sewer Catch Basin
Discharge_Points

Right-of-Way Type

Road or Alley ROW
Vacated ROW

Easement Type

Utility Easement
Other Easement
Zoning (Final)

Shoreland Overlay Zone

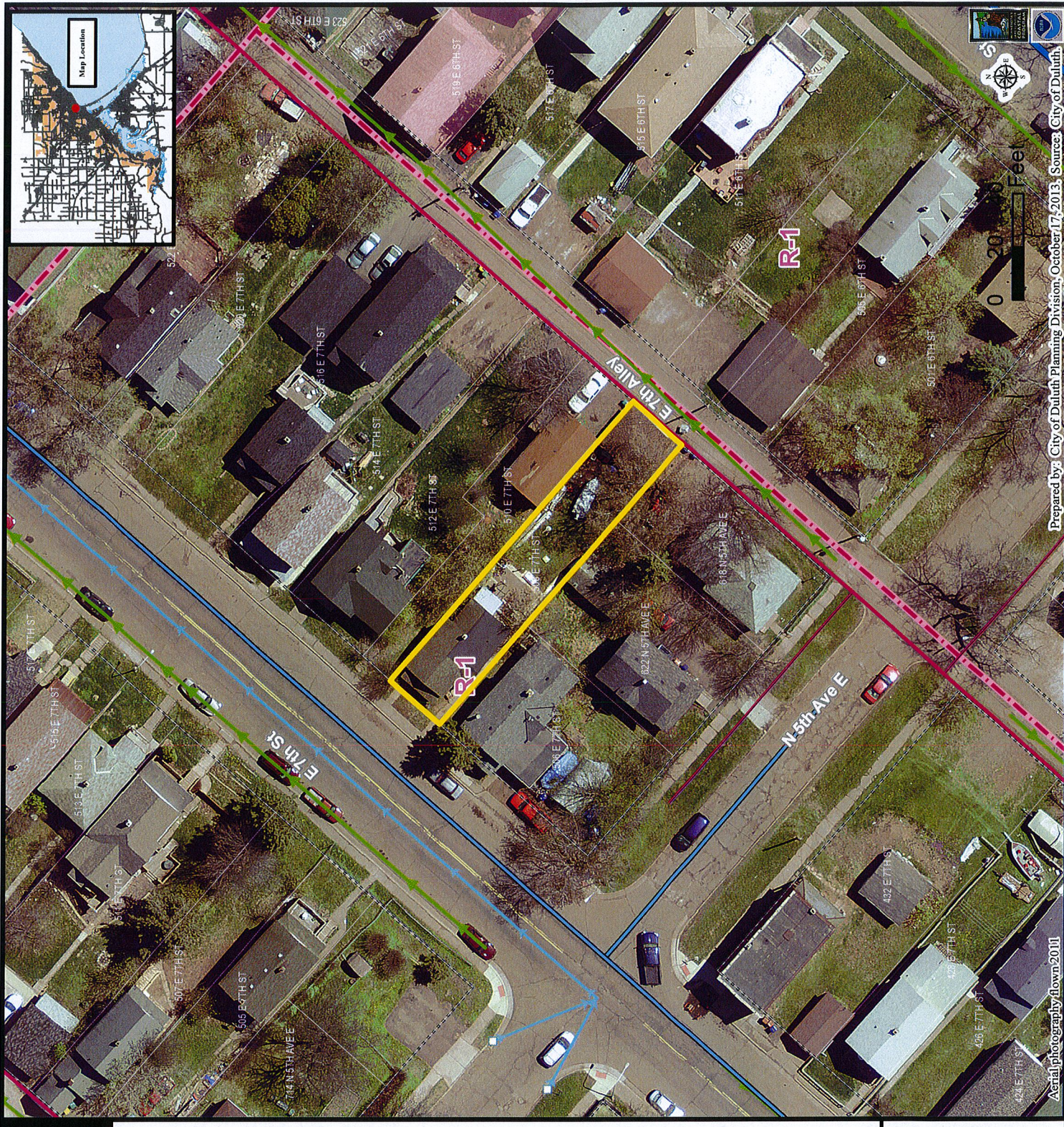
Cold Water
Natural Environment
General Development

Floodplain Type

General Flood Plain
Flood Way
Flood Fringe

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, October 17, 2013. Source: City of Duluth.



City Planning

PL 13-127
Variance
508 E 7th Street

Legend

Right-of-Way Type

--- Road or Alley ROW

--- Vacated ROW

--- Zoning (Final)

--- Shoreland Overlay Zone

--- Cold Water

--- Natural Environment

--- General Development

--- Future Land Use

--- Preservation

--- Recreation

--- Rural Residential

--- Low-density Neighborhood

--- Traditional Neighborhood

--- Urban Residential

--- Neighborhood Commercial

--- Neighborhood Mixed Use

--- General Mixed Use

--- Central Business Secondary

--- Central Business Primary

--- Auto Oriented Commercial

--- Large-scale Commercial

--- Business Park

--- Tourism/Entertainment District

--- Medical District

--- Institutional

--- Commercial Waterfront

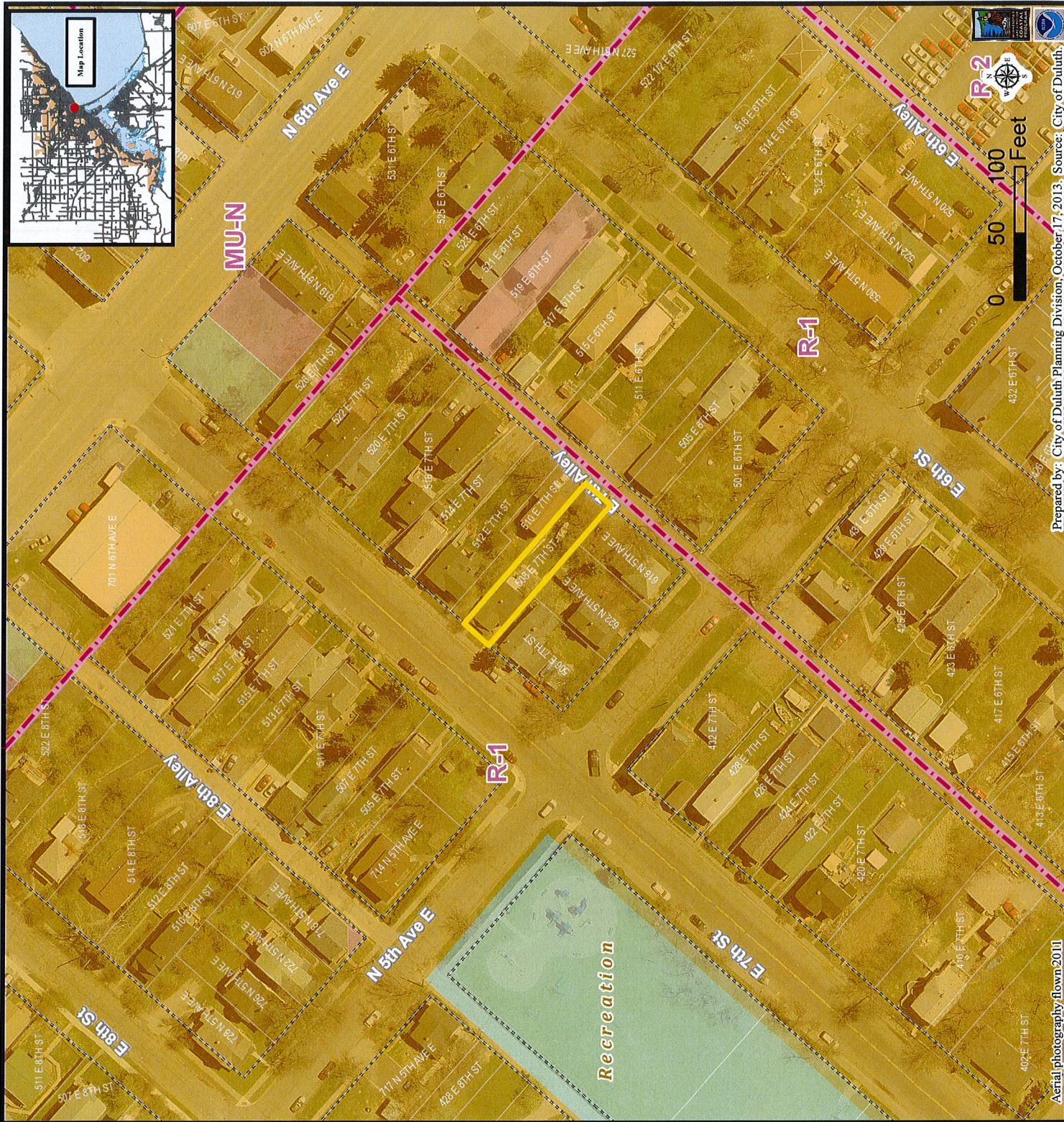
--- Industrial Waterfront

--- Light Industrial

--- General Industrial

--- Transportation and Utilities

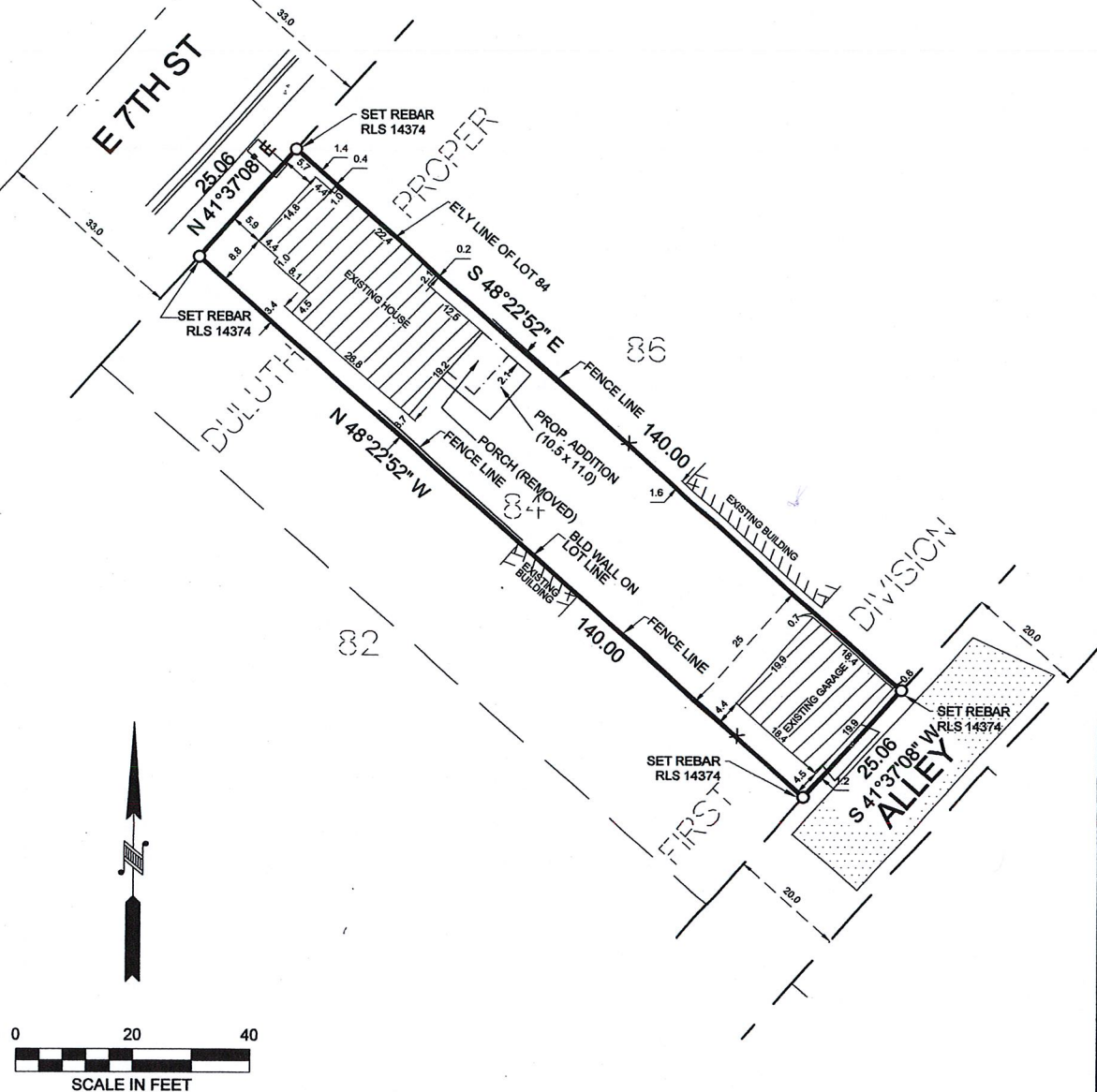
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CERTIFICATE OF SURVEY FOR: KEN LESKEY



LEGAL DESCRIPTION PER TAX STATEMENT

The Easterly 25.00 feet of Lot 84, DULUTH PROPER FIRST DIVISION EAST SEVENTH STREET, according to the recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 9-9-13

Ronald L. Krueger
Ronald L. Krueger MN License No. 14374

NOTES

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

DATE: 9-3-13
SCALE: 1 IN = 20 FEET
PROP ADD: 508 E 7TH ST
PROJECT NO: 13-159

RECEIVED SEP 19 2013

ALTA
SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land
Development-Legal Descriptions
P.O. BOX 161138 Duluth, MN 55806
Phone: 218-727-5211 Fax: 218-727-3798

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EVIDENCE THAT THE REQUESTED VARIANCE WILL NOT HAVE NEGATIVE IMPACT

- 1). This Addition I'm proposing would Replace what was an old 2 story lower entry + upper sun room, 9'0" x 6'6" w/ 6'6" Being Easterly side. New Addition would only be 1' wider + 5'0" Longer towards Alley. The New Addition will only be upper LEVEL supported by posts + footings. Thus I will be Removing Unsightly + Crumbling components of my House + Renewing IT AND DOING LITTLE to change Neighborhood ~~AND~~ CONDITION EXCEPT IMPROVE IT.
- 2) There will be no environmental Concerns, No Grade Changes, NO DRAINAGE ISSUES.
- 3). I do not believe my Addition would Impose upon anyone AND IN FACT SEE NOTHING but positive Influences toward MORE NEIGHBORHOOD APPEAL + IMPROVEMENT

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RECEIVED SEP 19 2013

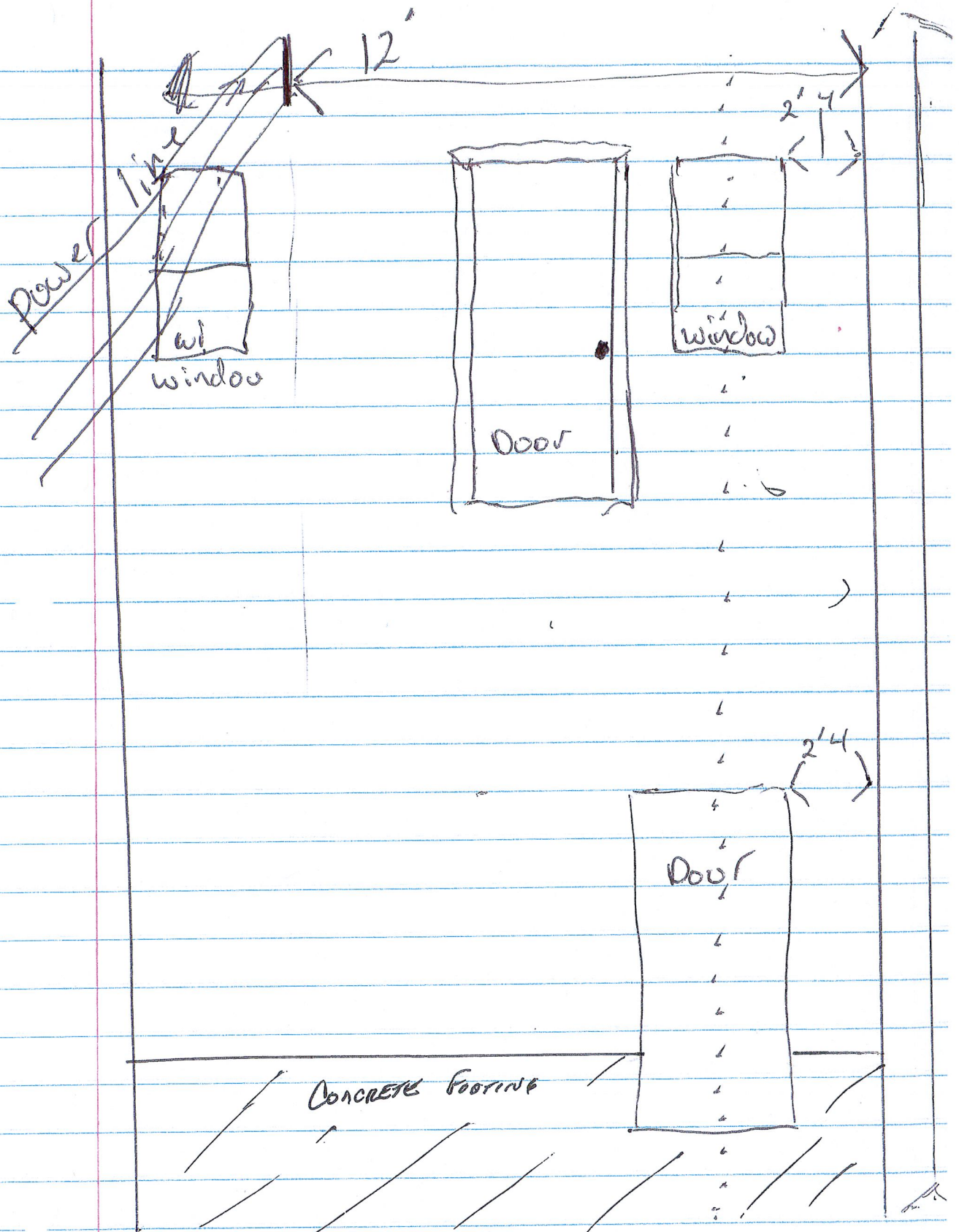
STATEMENT OF NEED ESTABLISHING HARDSHIP.

- 1) Simplicity: FAR EASIER TO ATTACH IF IT STAYS AT OUTER EAST WALL, THE ROOF WILL MATCH PERFECT, ALLOW SPEED + EFFICIENCY DURING CONSTRUCTION AND MOST IMPORTANTLY SAVE ME MONEY AND TIME.
- 2) WITHOUT GETTING A VARIANCE, A 6' BACKSET WOULD CAUSE A RATHER LARGE PROBLEM AS IT WOULD CAUSE THE RELOCATION OF THE EXISTING FORMER ENTRY DOOR ON THE MAIN LEVEL (ADDITION SITE). THE LARGEST PROBLEM IS THE BASEMENT ENTRY DOOR, WHICH WILL NOW BE UNDER THE EAST WALL. WITH A HOPE + PLAN OF CONSTRUCTING A 3 SEASON DECK/PORCH UNDER THE ADDITION NEXT YEAR, THAT PLAN WOULD BE DESTROYED AS MY DOOR WOULD BE SPLIT BY THE SCREEN WALL, HALF IN HALF OUT. AS THIS DOOR IS PARTIALLY ~~bordered~~ ^{bordered} BY 12" THICK FOUNDATION THAT IS 2' HIGH, IT IS A HUGE + EXPENSIVE JOB TO MOVE IT.

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RECEIVED SEP 19 2013

..... 6' feet of property line



RECEIVED SEP 19 2013

KOI



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